

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

BISOUS BISOUS LLC,

Plaintiff,

v.

THE CLE GROUP, LLC,
BISOU UPTOWN MANAGER, LLC, and
JOHN DOES 1-10,

Defendants.

Case No. 3:21-cv-01614-B

DECLARATION OF DANE PETERSON

1. My name is Dane Peterson. I am over 18 years of age, of sound mind, have not been convicted of a felony, and capable of making this declaration. The facts stated in this declaration are within my personal knowledge and are true and correct.

2. I am a private investigator with private investigation firm Kelmar Global.

3. On August 18, 2021, I was engaged by Fish & Richardson P.C. to visit the restaurant BISOU located at 2619 McKinney Ave, Suite #120, Dallas, TX 75204. The following is a description of my actions and observations on August 18.

4. At 4:15pm, I called BISOU at the contact number listed on the Bisou Dallas Facebook page: 214-434-1973. A hostess answered the line and I requested a reservation for the same evening. The hostess stated the restaurant was fully booked and all seating options were by reservation only for the entire evening due to an opening celebration. I advised her I was from out of town and needed a last minute table. She advised to come to the restaurant and she would "try her best."

5. I arrived at the restaurant at 2619 McKinney Ave, Suite #120 at around 7:39pm and used the valet. The valet attendant greeted me by saying "Welcome to Bisou." The restaurant is on the first floor of a mix-use retail and residential condominium building. Outside was a large sign on the building that read "BISOU CONTINENTAL CUISINE." Attached as Exhibit 1 is a photograph I took of this sign.

6. After walking inside the front entrance I observed a large group of people around the host stand. The restaurant and bar area were full and many people were standing around waiting for a table. At around 8:00pm a hostess seated me at a table near the bar area.

7. A waiter greeted me at my table and handed me a drink menu with "BISOU CONTINENTAL CUISINE" printed on the front. There was also BISOU branding in two places on the interior of the menu. Attached as Exhibit 2 are two photographs I took of the interior of the drink menu.

8. The waiter stated that the restaurant had been open for "a few weeks" and that their nightclub upstairs was having its grand opening. He also stated that "Bisou" was part of "the Cle Group" and that they had another location in Houston.

9. Over the course of the evening I was given a wine menu and food menu. The wine menu had the "BISOU CONTINENTAL CUISINE" logo on the front and the food menu had the "BISOU CONTINENTAL CUISINE" logo at the top. Attached as Exhibit 3 are two photographs I took of the wine menu and food menu.

10. I also observed a large lighted "BISOU CONTINENTAL CUISINE" sign by the bar area and electronic screens that displayed the "bisou CONTIENTIAL CUISINE" logo. Attached as Exhibit 4 is a still from a video I took of a wall-mounted electronic screen displaying "BISOU CONTINENTAL CUISINE."

11. At around 10:45pm, I entered the club portion of BISOU as it opened. The same drink menus used in the restaurant that had "BISOU CONTINENTAL CUISINE" lettering on the front were also used in the club. I also observed a "BISOU CONTINENTAL CUISINE" screensaver on the computer monitors used to place food and drink orders at the club. Attached as Exhibit 5 is a still from a video I took of one such computer monitor.

12. I left BISOU around 11:00pm. On my way out I obtained a business card for the Assistant General Manager, Zachary Stephens. Attached as Exhibit 6 is a photograph I took of the business card, which also has the "BISOU CONTINENTAL CUISINE" logo and says "THECLÉGROUP.COM" on it.

13. I declare under penalty of perjury that the foregoing is true and correct.

Date: August 27, 2021

DANE PETERSON

A handwritten signature in black ink, appearing to read 'Dane Peterson', with a stylized, elongated horizontal stroke at the end.